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LIMITED.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BROADCOM CORPORATION, ET AL.,

Plaintiffs,

v.

NETFLIX, INC.,

Defendant.

Case No. 3:20-cv-04677-JD

**JOINT STIPULATION OF DISMISSAL WITH
PREJUDICE OF THE FIRST AND THIRD
CAUSES OF ACTION OF PLAINTIFFS' SECOND
AMENDED COMPLAINT**

Dept.: Courtroom 11, 19th Floor

Judge: Hon. James Donato

Date Filed: March 13, 2020

Trial Date: None Set

1 Plaintiffs Broadcom Corporation and Avago Technologies International Pte. Limited
2 (collectively, Broadcom) filed their First Amended Complaint in this action on June 22, 2020,
3 alleging, among other things, that Netflix, Inc. infringes U.S. Patent Nos. 7,266,079 and
4 8,959,245 (Broadcom's first and third causes of action, respectively). On September 14, 2021,
5 the Court entered an order finding the '079 and '245 Patents are patent-ineligible under 35
6 U.S.C. § 101. That order dismissed Broadcom's first and third causes of action, but granted
7 Broadcom leave to file an amended complaint. Broadcom filed a Second Amended Complaint on
8 October 8, 2021. To preserve its right to appeal the Court's dismissal of the first and third causes
9 of action from the First Amended Complaint, Broadcom restated those causes of action in the
10 Second Amended Complaint.

11 In accordance with Federal Rule of Civil Procedure 41(a)(2), based on the Court's order of
12 September 14, 2021, determining that the '079 and '245 Patents are patent-ineligible, the Parties
13 stipulate to the dismissal with prejudice of the first and third causes of action in Broadcom's
14 Second Amended Complaint. Notwithstanding this stipulation, Broadcom reserves the right to
15 appeal the Court's order finding that the '079 and '245 Patents are patent-ineligible.

1 Dated: October 21, 2021

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28

~~PROPOSED~~ ORDER

Plaintiffs' Second Amended Complaint alleges in its first and third causes of action that Defendant infringes U.S. Patent Nos. 7,266,079 and 8,959,245. In view of the Parties' Joint Stipulation of Dismissal with Prejudice of the First and Third Causes of Action of Plaintiffs' Second Amended Complaint, and based on the Court's prior order finding that the '079 and '245 Patents are patent-ineligible under 35 U.S.C. § 101, the Court hereby orders that the first and third causes of action of Plaintiffs' Second Amended Complaint are dismissed with prejudice.

DATED: November 9, 2021



Hon. James Donato
United States District Judge